

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY J. NICHOLSON, II,) CASE NO. C08-0798-MJP-MAT
Plaintiff,)
v.)
V. FERNANDEZ,) ORDER CONSTRUING PLAINTIFF'S
Defendant.) LETTER AS PARTIAL RESPONSE
) TO DEFENDANT'S MOTION FOR
) SUMMARY JUDGMENT
)

Defendant has filed a motion for summary judgment, which is noted for consideration by the Court on December 26, 2008. On December 8, 2008, the Court received a letter from plaintiff in which he states that he “would like to request an appeal to the 9th circuit.” (Dkt. No. 25). However, the letter does not refer to any particular Order or ruling that plaintiff is appealing. Instead, the letter appears to challenge the veracity of a declaration submitted by defendant as part of his motion for summary judgment. Accordingly, the Court does hereby find and ORDER as follows:

(1) Plaintiff's letter is construed as a partial response to defendant's motion for summary judgment. Plaintiff is reminded that pursuant to *Rand v. Rowland*, 154 F.3d 952, 962-

ORDER CONSTRUING PLAINTIFF'S LETTER AS
PARTIAL RESPONSE TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

01 963 (9th Cir. 1998), he must set out specific facts in declarations, depositions, answers to
02 interrogatories, or authenticated documents, that contradict the facts shown in the defendant's
03 declarations and documents and show that there is a genuine issue of material fact for trial. He
04 may supplement this response by filing such materials no later than **December 22, 2008.** (Dkt.
05 No. 24 at 2).

06 (2) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for
07 defendant.

08 DATED this 9th day of December, 2008.

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11 Mary Alice Theiler
12 United States Magistrate Judge

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